



U.S. Department  
of Transportation

**Federal Railroad  
Administration**

# Memorandum

Date: February 3, 2004

Reply to Attn of: OP-04-27

Subject: Deadhead Transportation to a Point of Final Release;  
Hours of Service Interpretations

Original Signed By:

From: Edward W. Pritchard  
Director, Office of Safety Assurance and Compliance

To: Regional Administrators

A railroad's election to interrupt an employee's rest period at one designated terminal in order to place him in deadhead transportation to another designated terminal for the purpose of obtaining his statutory off-duty period, is not prohibited by the Hours of Service Act.

The hours of service regulations state, "Time spent in deadhead transportation by an employee returning from duty to his point of final release may not be counted in computing time off-duty or time on-duty." The "point of final release" is that point where the employee receives the required 8 or 10 hours off-duty period prior to the start of a new 24-hour period. The time spent in deadhead transportation to that point is not computed as time on-duty or time off-duty.

From this, it is apparent that the nature of deadhead transportation is determined by the action of the employee after arrival at the designated terminal. If the employee is required to go on duty without having had a required 8 or 10 hours off-duty period, then the employee was in deadhead transportation to a duty assignment, and the time so spent is considered time on-duty. On the other hand, if the employee has the required 8 or 10 hours off-duty after arrival at the designated terminal, then the employee was in deadhead transportation to the point of final release, and the time spent is neither time on-duty nor time off-duty.

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